

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TRACIE D. COOK,

Plaintiff,

v.

Case No. 10-C-589

MICHAEL J. ASTRUE,
Commissioner for Social Security Administration,

Defendant.

**ORDER OF REMAND PURSUANT TO SENTENCE 4
OF SECTION 205 OF THE SOCIAL SECURITY ACT**

This case is before the Court pursuant to a Joint Motion for Remand to the Commissioner for Further Action filed on December 30, 2010, based on an agreement by the parties that the case should be remanded to the Commissioner for further proceedings.

THEREFORE, IT IS HEREBY ORDERED that this matter is **remanded** to the Commissioner pursuant to Sentence 4 of Section 205 of the Social Security Act, 42 U.S.C. § 405(g).

On remand, the ALJ will reevaluate the evidence relating to Plaintiff's mental impairments and provide rationale for her findings regarding the listing criteria. If she does not find that Plaintiff has a listing level impairment, she will reevaluate Plaintiff's residual functional capacity, to include reevaluating the medical source opinion evidence in the record. The ALJ will hold a new hearing, which will include obtaining evidence from a medical expert to assist in evaluating the nature and severity of Plaintiff's mental impairments. Based on her reevaluation of Plaintiff's residual functional capacity, she will determine whether Plaintiff could perform her past relevant work or a

significant number of other jobs in the national economy. Plaintiff will also have the opportunity to update the record. After reevaluating the evidence, the ALJ will issue a new decision regarding Plaintiff's disability application. Accordingly, the parties hereby respectfully move the Court to enter judgment under the fourth sentence of 42 U.S.C. § 405(g), reversing the agency's decision with remand to the Commissioner for further consideration of Plaintiff's application.

NOW, THEREFORE, IT IS ORDERED that the Joint Motion for Remand is **granted**.

IT IS FURTHER ORDERED that the Clerk enter judgment remanding the case and dismissing the plaintiff's complaint and this action.

Dated at Milwaukee, Wisconsin, this 30th day of December, 2010.

BY THE COURT:

s/AARON E. GOODSTEIN
United States Magistrate Judge